

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Doris Queen Lavender, also known as
Doris Ann Jones,

Plaintiff,

v.

Civil No. 15-3526 (JNE/LIB)
ORDER

UIC College of Dentistry, et al.,

Defendants.

Plaintiff alleges that Defendants implanted a device in her tooth that was capable of navigation, listening, tasering, and causing explosions within her blood vessels, among other capacities. Plaintiff applied to proceed without prepaying her fees. She also filed a stipulation for a protective order. The Magistrate Judge issued an order denying the request for a protective order. The Magistrate Judge also issued a Report and Recommendation recommending that this matter be dismissed without prejudice under 28 U.S.C. § 1406(a) because venue is not proper. Plaintiff has since filed another stipulation for a protective order, another motion to proceed without prepaying fees, and a motion to transfer/change venue.

The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). The Court adopts the Magistrate Judge's recommendation to dismiss this matter without prejudice under section 1406.

To the extent Plaintiff objects to the Magistrate Judge's order denying the request for a protective order, the Court adopts the reasoning in the Magistrate Judge's order and denies the objection. With respect to Plaintiff's second request for a protective order, it is also denied for the reasons stated in the Magistrate Judge's order.

With respect to Plaintiff's motion to transfer, 28 U.S.C. § 1406(a) states: "The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." The Court has reviewed the record and cannot conclude that it would be in the interest of justice to transfer this action. Accordingly, the motion is denied and the action is dismissed without prejudice.

Plaintiff's applications to proceed without prepaying fees are denied as moot.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation [Docket No. 8] is ADOPTED.
2. To the extent Plaintiff objects to the Magistrate Judge's Order [Docket No. 8], the objection is DENIED.
3. Plaintiff's request for a protective order [Docket No. 12] is DENIED.
4. Plaintiff's motion to transfer [Docket No. 11] is DENIED.
5. Plaintiff's applications to proceed without prepaying fees [Docket Nos. 2 and 15] are DENIED as moot.
6. This matter is dismissed without prejudice pursuant to 28 U.S.C. § 1406.

LET THE JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 3, 2015

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge